

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

BENJAMIN ALBORN MARBLE, M.D.

CONSENT ORDER

WHEREAS, Benjamin Alborn Marble, M.D., hereinafter referred to as "Licensee," having an address of 8083 Red ^{Creek} ~~Hook~~ Road, Long Beach, MS 39560, is the current holder of License No. 18076 for the practice of medicine in the State of Mississippi.

WHEREAS, there is now pending before the Mississippi State Board of Medical Licensure, hereinafter referred to as "Board," that amended certain summons and affidavit charging Licensee with violation of the Mississippi Medical Practice Act and specifically, Miss. Code Ann. § 73-25-29(8)(d), and § 73-25-83(a), for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

WHEREAS, Licensee wishes to avoid a hearing before the Board and in lieu thereof has agreed to execute this Consent Order, subject to the terms, conditions, and restrictions as specified below;

NOW THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby impose the following

terms and conditions on Licensee's certificate to practice medicine in the State of Mississippi, to-wit:

1. Licensee shall take immediate steps to contact the medical director of the Mississippi Professional Health Program (MPHP), disclose all facts which prompted Licensee's execution of this Order and make arrangements to submit to evaluation for potential mental or emotional impairment at a facility approved in advance and in writing by the MPHP. By executing this Consent Order, Licensee authorizes the Board and MPHP to fully disclose and share with such facility any and all information regarding Licensee which the MPHP may, in its discretion, deem necessary to evaluate and/or advise Licensee. Upon conclusion of the evaluation, a report shall be sent to the MPHP with a copy to the Board's Executive Director. In the event it is the recommendation of the evaluating facility that Licensee is in need of treatment, Licensee shall comply with all of such recommendations.
2. Within six (6) months from the date of the Board's acceptance of this Order, Licensee shall enroll and successfully complete AMA Category 1 CME (Continuing Medical Education) course in the area of Medical Ethics, said course to be approved in advance by the Executive Director of the Board. Following completion of the course, Licensee shall submit to the Board documentary proof of successful completion. This is in addition to the forty (40) hours of Category 1 CME requirements as cited in Title 30, Part 2610, Chapter 2 of the Board's Rules and Regulations.

3. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 73-25-30, with said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate notification, and shall tender to the Board a certified check or money order on or before forty (40) days from the date the assessment is mailed to Licensee via U. S. mail at the address shown above.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Licensee further understands and acknowledges that the Board shall provide a copy of this Order to, among others, the National Practitioners Data Bank, and the U. S. Drug Enforcement Administration (DEA), and the Board makes no representation as to actions, if any, which the DEA may take in response to this Order.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to, or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members

from further participation in any hearings or other consideration of the resolution of the proceeding.

By executing this Consent Order, Licensee does not admit to or acknowledge any act of misconduct or malpractice; and this order cannot be used against Licensee as proof of misconduct or medical malpractice in any other civil, administrative or criminal proceeding.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. § 73-25-1 et seq., to be represented therein by legal counsel of his choice, and a final decision based on written findings of fact and conclusions of law, Benjamin Alborn Marble, M.D., nonetheless hereby waives his right to notice and formal adjudication of charges, thereby placing the above enumerated terms, conditions, and restrictions on his license to practice medicine in the State of Mississippi.

EXECUTED, this the 18th day of September, 2012.

By: Benjamin Alborn Marble, M.D.
Benjamin Alborn Marble, M.D.,

EXECUTED ACCEPTED, this the 27th day of September, 2012.

Mississippi State Board of Medical Licensure

By: [Signature]
S. Randall Easterling, M.D., President